

CHAPTER 18 SPECIFIC USE REQUIREMENTS

SECTION 18.10 INTENT

This chapter outlines conditions applicable to specific land uses based on the unique or special operational characteristics that warrant additional regulations to protect public health, safety, and welfare. These requirements apply in addition to all the regulations of the zoning district in which the use, structure, or building is located, as well as all other applicable requirements in this Ordinance.

SECTION 18.20 ACCESSORY BUILDINGS, STRUCTURES, AND USES

A. RESIDENTIAL ACCESSORY STORAGE BUILDINGS AND DETACHED GARAGES

1. **Principal Building.** An accessory building may be built on a lot if there is a principal building located on the lot or if a building permit has been issued for the construction of both an accessory building and a principal building on the same lot and the use of the accessory building is incidental to the active construction of the principal building.
2. **Use and Construction of Accessory Buildings.** Accessory buildings shall be stick-built or the equivalent of new building construction. No mobile home, tank, junk object, salvage materials, trailer, tank, shipping container, vehicle, or similar item shall be utilized as an accessory building or storage structure; provided, however, that such requirement shall not be applicable to bona fide agricultural storage or activities, or to tool sheds or similar temporary storage structures utilized pursuant to the construction of a building, so long as the period of construction does not exceed one (1) year.
3. **Sleeping Quarters.** No portion of an accessory building shall be utilized as a dwelling, for habitation, or for sleeping quarters except where otherwise expressly permitted in this Ordinance.
4. **Shipping Containers.** Shipping containers are prohibited from being used as accessory buildings or structures.
5. **Location.** Accessory buildings shall be located in side or rear yards. However, accessory buildings may also be placed in front and secondary front yards outside of the required setback in the Agricultural - Rural Residential zoning district if obscured from view with a Type C Buffer (see Section 23.60 B).
6. **Architectural Character.** The architectural character of all accessory buildings shall be compatible with and similar to the principal building.
7. **Connection.** Accessory buildings or garages shall be considered to be part of the main building if structurally and architecturally integrated into the main building or if attached by an enclosed breezeway or similar enclosed structure not more than 10 feet in length. The enclosed breezeway connection shall comply with the foundation requirements of Section 16.20 B.
8. **Dimension and Numeric Requirements.** Accessory buildings shall comply with all dimensional and numeric requirements of Table 18.20 A. Accessory buildings for lawful nonconforming residential buildings in mixed-use and commercial zoning districts and industrial zoning districts shall comply with the dimensional and numerical requirements of the Suburban Residential zoning district.

TABLE 18.20 A: ACCESSORY BUILDING DIMENSIONAL AND NUMERIC REQUIREMENTS

Requirement		Zoning District			
		Agricultural - Rural Residential	Suburban Residential	Village Residential	Multiple-Family Residential
Accessory Building Less Than 200 Square Feet					
Min. Setback (ft.)	Front	60	Greater than or equal to the established front setback for the principal building		
	Street Side	60	Greater than or equal to the established street side setback for the principal building		
	Side	3	3	3	3
	Rear	3	3	3	3
Accessory Buildings 200 Square Feet or Greater					
Min. Setback (ft.)	Front	60	Greater than or equal to the established front setback for the principal building		
	Street Side	60	Greater than or equal to the established street side setback for the principal building		
	Side	20	8	8	8
	Rear	5	5	5	5
Requirements for All Accessory Buildings					
Separation from Other Buildings (ft.)		10	10	10	10
Maximum Height (ft.)		25	16	16	16
Maximum Square Footage (s.f.)	Lots less than 6,500 s.f.	576 per detached dwelling plus one building 200 or less	576 per detached dwelling plus one building 200 or less	576 per detached dwelling plus one building 200 or less / 576 per attached dwelling	576 per detached dwelling
	Lots 6,500 to 9,999 s.f.	864 per detached dwelling plus one building 200 or less	864 per detached dwelling plus one building 200 or less	864 per detached dwelling plus one building 200 or less / 576 per attached dwelling	576 per detached dwelling
	Lots 10,000 to 19,999 s.f.	864 per detached dwelling plus one building 200 or less	864 per detached dwelling plus one building 200 or less	864 per detached dwelling plus one building 200 or less / 576 per attached dwelling	576 per detached dwelling

TABLE 18.20 A: ACCESSORY BUILDING DIMENSIONAL AND NUMERIC REQUIREMENTS

Requirement		Zoning District			
		Agricultural - Rural Residential	Suburban Residential	Village Residential	Multiple-Family Residential
	Lots 20,000 s.f. to One (1) Acre	1,296 per detached dwelling plus one building 200 or less	1,296 per detached dwelling plus one building 200 or less	864 per detached dwelling plus one building 200 or less / 576 per attached dwelling	576 per detached dwelling
	Lots Greater than One (1) Acre	2,400 per detached dwelling plus one building 200 or less plus 500 square feet per whole acre over one (5,000 square feet max.)	1,296 per detached dwelling plus one building 200 or less	864 per detached dwelling plus one building 200 or less / 576 per attached dwelling	576 per detached dwelling
Maximum Number of Accessory Buildings		No Limit	3	2	1

9. **Oversized Accessory Buildings.** The Planning Commission may consider requests for oversized accessory building square footage through the special land use process (Chapter 27). In addition to special land use and site plan standards of approval, the Planning Commission shall also consider the following factors:

- Whether the intended use of the accessory building(s) is authorized within the applicable zoning district.
- The size, type of construction, and general architectural character of the residential accessory building(s) are compatible with buildings in the vicinity.
- The resulting increase in size and scale of the residential accessory building(s) does not result in a visible impact that is overly obtrusive to neighboring residents.
- Proposed setbacks from lot lines and separation from dwellings on the adjacent properties are appropriate based on the size and scale of the proposed accessory building(s).
- If the property is intended to be divided in the future, the location of the residential accessory building(s) does not impact the ability to divide the land in a compliant manner while maintaining required setbacks from the building(s).
- The increase in residential accessory building square footage does not result in adverse stormwater runoff impact and degradation of sensitive natural resources.

B. NON-RESIDENTIAL ACCESSORY STORAGE BUILDINGS AND DETACHED GARAGES

1. **Dimensional Requirements.** Accessory buildings for authorized non-residential uses in residential zoning districts and non-residential uses in non-residential zoning districts shall be subject to all of the requirements for principal buildings.

2. Size.

- a. NC, GC, and MB Districts. The total square footage of accessory buildings on a lot shall not exceed the square footage of the principal building on the lot on which they are situated.
- b. LI and HI. The total square footage of accessory buildings on a lot shall not exceed the square footage of the principal building on the lot on which they are situated. However, if the use involves a collective use of buildings for general business operations, there is no limitation on building sizes.

C. FARM BUILDINGS

See Section 18.130.

D. ACCESSORY DWELLING UNITS

1. General Requirements.

- a. Accessory dwelling units (ADUs) are limited to lots where single-family dwellings are the principal use.
- b. Number. Only one (1) ADU shall be permitted per principal dwelling and per lot.
- c. Facilities. ADUs shall have their own separate entrances, kitchens, sleeping areas, and full bathroom facilities.
- d. Occupancy.
 - i. The principal dwelling or the accessory dwelling unit shall be occupied and used by the owner as their primary, year-round residence; or
 - ii. The principal dwelling and ADU can be rented under a single contract and only to the same family.
- e. Short-Term Rental Prohibited. ADUs shall not serve as short-term rentals.
- f. Setbacks. Attached accessory dwelling units shall comply with all setback requirements applicable to the principal dwelling. Detached accessory dwelling units shall comply with all setback requirements applicable to accessory buildings.
- g. Appearance. Attached and detached accessory dwellings shall retain a residential appearance consistent with the architectural design and building materials of the principal dwelling, including but not limited to roof material, roof type, siding material, and window type and placement.
- h. Area. Accessory dwelling livable floor area shall not exceed 600 square feet or 50 percent of the livable floor area of the primary dwelling, whichever is lesser. The minimum livable floor area shall be 300 square feet.
- i. Code Compliance. All ADUs shall meet applicable building and fire codes.
- j. Driveway. There shall be no separate driveway access from the ADU to a public or private street.
- k. Septic. An ADU built on a property which requires a septic sanitation system shall have the property inspected and approved by the Health Department to ensure that the septic system has the capacity and functionality to accommodate the ADU.
- l. The property shall be subject to a deed resolution or the equivalent approved by the Township.

2. Attached ADUs. An attached ADU shall have an exterior access door.

3. **Detached ADUs.** The following requirements apply only to detached ADUs.
 - a. In addition to the requirements above, the square footage shall also not exceed the maximum accessory building square footage per Table 18.20 A.
 - b. A detached ADU shall not be a manufactured home.
 - c. A lot shall not be divided in a manner that separates a detached accessory dwelling unit and principal dwelling unit onto separate lots.
 - d. In the case of a detached ADU over garage space, such as a carriage house, the first-floor garage space shall not count against the maximum square footage applicable to the accessory dwelling unit.
 - e. A detached ADU shall not exceed one and a half (1.5) stories. The overall height of a detached ADU shall not exceed the height of the principal dwelling. However, the height of a detached accessory dwelling unit over garage space, such as a carriage house, may exceed the height of a single-story principal dwelling by 14 feet and may be two (2) stories.

E. ACCESSORY STRUCTURES

1. **General Requirements.** Unless otherwise specified in this ordinance, accessory structures shall comply with the height and setback requirements for principal buildings in the applicable zoning district. Accessory structures include, but are not limited to, permanently placed furniture and grilling equipment, pools, playground equipment, trellises, pergolas, yard art, and man-made landscaping structures.
2. **Carports.** Temporary carports or shelters with flexible roofing are prohibited. Although not defined as “buildings,” carports constructed with permanent foundations, without walls, and with permanent roofs, are subject to all requirements for accessory buildings under Section 18.20 A.

F. ACCESSORY USES

1. **Residential Accessory Uses.** Accessory uses, as defined, are allowable as long as they do not exceed what is considered normal and typical accessory use of residential property. Intensive or enhanced activities are considered those beyond normal accessory use of property. These uses typically have a greater impact on the surrounding area due to their scale, intensity of use, and potential for generating traffic, noise, light, and other environmental effects. In residential areas, intensive or enhanced activities include but are not limited to, larger-scale recreational facilities with oversized or multiple courts or playing fields, specialized tracks or trails for off-road vehicles, sports complexes, dog parks, private golf courses, places of general public assembly, activities that require significant outdoor storage, any commercial activity that is not otherwise allowable as a home occupation.
2. **Non-Residential Accessory Uses.** Non-residential accessory uses are allowable as permitted uses, if the principal use is permitted, and special land uses, of the principal use is a special land use.

SECTION 18.30 ADULT ENTERTAINMENT ESTABLISHMENTS

A. APPLICABILITY AND INTENT

These standards are intended to regulate adult entertainment establishment businesses, promote the health, safety, morals, and general welfare of the citizens of the Township, and establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the Township, thereby helping to reduce and eliminate the adverse secondary effects from such sexually oriented businesses. These standards have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of these standards to restrict or deny access by adults to sexually oriented materials protected by the

First Amendment of the U.S. Constitution or Michigan statute or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of these standards to condone or legitimize the distribution of obscene material.

B. LOCATION REQUIREMENTS

1. No adult entertainment use shall be located within 500 feet of the exterior boundary line of any residential zoning district or 500 feet from any residential building.
2. No adult entertainment use shall be located within 500 feet of the closest property line of any place of worship, K-12 school, library, day care center, public community center, park, fairground, recreation center, and publicly owned or maintained building opened for use by the general public.
3. No adult entertainment use shall be located within 500 feet of any other adult entertainment use, whether such adult entertainment use is within or outside the Township boundaries.

C. RETAIL DISPLAY

No product for sale or gift, nor any picture or other representation of any product for sale or gift, shall be displayed so that it is visible by a person of normal visual acuity from the nearest adjoining roadway or adjoining property.

D. HOURS AND DAYS OF OPERATION

Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m., Monday through Saturday.

E. SITE LIGHTING

In addition to the requirements of Chapter 19, all off-street parking areas shall be illuminated from at least 90 minutes prior to sunset to at least 60 minutes after closing.

F. GENERAL TOWNSHIP CODE

Adult entertainment establishments must also comply with the general permitting requirements of the Gaines Charter Township Code of Ordinances.

SECTION 18.40 ADULT FOSTER CARE GROUP HOME

A. LOCATION

An adult foster care group home shall be at least 1,000 feet from an adult foster care family home and another adult foster care group home.

B. STATE REQUIREMENTS

The facility shall comply with all State of Michigan requirements, as applicable.

SECTION 18.50 AGRIBUSINESS

A. APPLICABILITY

This section applies to agribusinesses in the ARR zoning district.

B. MINIMUM LOT AREA

A minimum of two (2) acres is required to establish the use.

C. LOCATION

Properties for such uses shall meet one of the following criteria:

1. Be a corner lot fronting two (2) existing public streets.
2. Be immediately adjacent to a non-residential zoning district.

D. RETAIL OR CUSTOMER SERVICE

Gross floor area attributed to new construction for the purpose of retail trade or on-site customer service shall not exceed 2,000 square feet. Incidental sales of products other than agricultural or rural-area products may be stocked and sold, but shall not exceed 25 percent of the total product inventory.

E. BUILDING SETBACKS

Buildings shall be set back at least 60 feet from adjacent residential-zoned property. However, in consideration of the site plan associated with the special land use, the township shall consider the placement of buildings and activities as they relate to the potential impact on adjacent properties.

F. PARKING SETBACKS

Parking lots shall be set back at least 60 feet from adjacent residential-zoned property.

G. DESIGN AND BUILDING REQUIREMENTS FOR NEW BUILDINGS

1. **Siding.** Buildings shall be clad with vertical (board and batten, boards, or v-groove) or horizontal (clapboard) wood or cementitious siding. Accessory storage warehouse buildings are not subject to this requirement.
2. **Roofs.**
 - a. Roofs shall be metal (corrugated, ribbed, or standing seam), architectural shingle, or slate.
 - b. Cupolas, ventilators, and dormers are encouraged.
 - c. Roof style shall be gable, gambrel, gothic, ogee, round, monitor, half-monitor, or hip design.
 - d. Accessory buildings may have shed roofs.
3. **Wall Lighting Fixtures.** Gooseneck wall-mounted light fixtures, or another comparable style, are required.

H. PARKING LOT SURFACE

1. Notwithstanding the parking lot surface requirements of Section 20.40 D, parking lots shall be surfaced with asphalt, concrete, gravel, crushed stone, or another suitable surface.
2. If approved by the Planning Commission, gravel, crushed stone, and alternative surfaces are subject to the following requirements:

- a. Shall be properly drained in accordance with township stormwater requirements.
- b. Dust generation shall be minimized.
- c. The surface will be maintained and free of weeds, grass, and overgrown vegetation at all times.

SECTION 18.60 ANIMAL AND PET SERVICES

A. GENERAL REQUIREMENTS

1. **Screening.** Outdoor activity areas shall be screened in accordance with Section 23.70. An outdoor activity area is a location for walking leashed and unleashed dogs, pet relief, leashed and unleashed dog training, dog exercise, play areas, and outdoor dog runs.
2. **County and State Regulations.** All kennels shall be operated in conformance with any applicable County and State regulations.
3. **Noise Mitigation.**
 - a. Buildings used as commercial kennels or pet services shall be insulated in such a manner that excessive noise from barking is minimized.
 - b. Habitual barking, which results in a nuisance to neighboring landowners or residents, is prohibited.

B. OUTDOOR EXERCISE AND PLAY AREA REQUIREMENTS

1. **Definition.** Outdoor exercise and play areas are locations outside of enclosed structures that are intended and used for unleashed dog exercise, training, and play.
2. **Setback.** The outer limits of outdoor exercise and play areas shall not be located closer than 100 feet from any adjacent residential-zoned property.
3. **Fencing.** Outdoor exercise and play areas shall be fenced.

C. OUTDOOR RUN REQUIREMENTS FOR BOARDING AND DAY CARE

1. **Definition.** Outdoor runs are individually fenced areas connected to buildings that accommodate outdoor access for associated indoor pens or suites.
2. **Setback.** Outdoor runs shall not be located closer than 100 feet from any adjacent residential-zoned property.
3. **Location.** Outdoor runs shall be located in the rear or side yards.
4. **Sanitation.** Outdoor runs shall be equipped with impervious surfaces suitable for cleaning with high-pressure water. Outdoor runs shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease, offensive odor, or dust generation.

SECTION 18.70 BED AND BREAKFAST

A. PRINCIPAL RESIDENCE

A bed and breakfast use shall only be established as part of a single-family detached dwelling, which shall also be the principal residence of the owner or manager.

B. APPEARANCE

The building shall maintain an exterior appearance that is in character with surrounding residential uses.

C. GUEST ROOMS

The total number of guest rooms in the establishment shall not exceed six (6).

D. TERM

The length of stay for a guest or guests shall not exceed 14 consecutive days.

E. ACCESS AND LOCATION

All bed and breakfast establishments shall be located on lots that have frontage along a primary arterial street.

F. SIZE OF DWELLING

In all zoning districts, the principal dwelling used for the bed and breakfast must be a minimum of 2,000 square feet of livable floor area.

G. COOKING

No separate cooking facilities shall be provided.

H. FOOD SERVICE

Meals shall only be served to the operator's family, employees, and overnight guests.

SECTION 18.80 CAMPGROUND OR RECREATIONAL VEHICLE PARK

A. MINIMUM LOT AREA

A minimum of five (5) acres is required to establish the use.

B. BUILDING SETBACKS

Buildings shall be set back at least 75 feet from adjacent residential-zoned property.

C. GENERAL REQUIREMENTS

1. **State Permit.** The operation shall have a valid campground permit from the State of Michigan and shall remain in compliance with all State requirements and conditions of approval.
2. **Utilities.** All recreational vehicle (RV) sites shall include water and sewer services unless separate restroom facilities are available.
3. **Storage Sheds.** Accessory sheds on individual RV sites shall not exceed 200 square feet.
4. **Staffing.** A park attendant must be on duty at the park or available at all times to address the needs of campers, emergencies, and maintenance issues.
5. **Maintenance and Cleanliness.**
 - a. Common areas and individual sites shall be kept free of litter and debris at all times.
 - b. Service buildings shall be maintained in a sanitary condition at all times.
 - c. The operator shall ensure continued maintenance of landscaping and buildings. Common areas shall be mowed and kept free of fallen branches, tall grass, and weeds.
6. **Parking.** RV lots shall be provided with a concrete, paved, or gravel off-street car parking area of a minimum size to accommodate two (2) vehicles without vehicle encroachment onto internal driveways.

7. **Emergency Access.** Driveways shall be clear for emergency vehicle access at all times. Guest parking shall not obstruct driveways.
8. **Refuse.** Dumpsters or trash bins shall be required in a common area and shall be emptied frequently to avoid the accumulation of waste and debris, subject to the screening requirements of Section 23.70.
9. **Occupancy.** No part of any campground shall be used for any other purpose than for temporary occupancy of individual recreational vehicle units or tent camping except for such uses that are required for the direct servicing and well-being of campground guests and for the management and maintenance of the campground.
10. **Water Discharge.** The open discharge of gray water within the park shall be prohibited.

SECTION 18.90 CEMETERY

A. APPLICABILITY

This section only applies to non-profit or privately owned or operated cemeteries and burial grounds.

B. SUPPLEMENTAL SPECIAL LAND USE STANDARDS

In addition to the special land use standards of Section 27.40, the Planning Commission shall consider the following:

1. The total land area available for the proposed cemetery.
2. The financial resources and financial solvency of the cemetery owner.
3. The need in the Township for an additional cemetery.
4. The arrangements proposed by the owner of the proposed cemetery for the development of the cemetery and insurance of its continuity, and continued upkeep and maintenance.
5. Any traffic congestion that would be caused by the proposed cemetery.
6. The effect of the proposed cemetery on adjoining lands and the surrounding neighborhood.

C. STATE REQUIREMENTS

The facility shall comply with all State of Michigan requirements, as applicable.

D. RESTRICTION

Cemeteries for a specific family or families are prohibited.

SECTION 18.100 CHILD DAY CARE CENTER

A. REQUIREMENTS FOR ALL DISTRICTS

1. **Drives.** An on-site drive shall be provided for drop-offs and loading with a sufficient number of stacking spaces to accommodate the number of children to be cared for at the center. Site access and circulation shall be designed to minimize traffic conflicts, congestion, and disruption and enhance traffic safety on abutting public and private streets and drives. Access and drive aisles shall be arranged to prevent queued or parked vehicles from encroaching upon a sidewalk, street, intersection, or public right-of-way.
2. **Outdoor Areas.** Outdoor play areas must be fenced.

3. **Other Requirements.** The applicant must be able to demonstrate that all applicable state requirements will be met, such as compliance with State Building and Fire Codes and compliance with state licensing requirements.

B. REQUIREMENTS SPECIFIC TO AGRICULTURAL AND RESIDENTIAL DISTRICTS

1. **Location and Access.** The lot must abut a primary arterial street, and all access must be from the primary arterial street.
2. **Minimum Lot Requirements to Establish the Use.** Lots shall conform to the area and width requirements for the applicable zoning district.
3. **Appearance.** The building shall have an appearance that is non-intrusive and consistent in color, materials, roofline, and architecture with the area in which it is located, as determined by the Planning Commission.

C. STATE APPROVALS AND REGULATIONS

1. All licensing and permits shall be obtained from the State of Michigan.
2. All rules and regulations from the State of Michigan shall be followed.

SECTION 18.110 CHILD DAY CARE, GROUP DAY CARE HOME

A. ZONING ENABLING ACT

A group day care home for children must be approved if the application complies with Section 206 (4) of the Michigan Zoning Enabling Act.

B. STATE APPROVALS AND REGULATIONS

1. All licensing and permits shall be obtained from the State of Michigan.
2. All rules and regulations from the State of Michigan shall be followed.

SECTION 18.120 DRIVE-THROUGH SERVICE

A. ACCESS AND CIRCULATION

Site access and circulation shall be designed to minimize traffic conflicts, congestion, and disruption and enhance traffic safety on abutting public and private streets and drives. Access and drive aisles shall be arranged to prevent queued or parked vehicles from encroaching upon a sidewalk, street, intersection, or public right-of-way.

B. STACKING SPACES

1. **Requirement.** Stacking spaces shall be provided in accordance with Table 18.120 B.

TABLE 18.120 B: MINIMUM NUMBER OF STACKING SPACES	
Land Use	Minimum Number
Fast food restaurant, coffee shop, or similar use	10 spaces per menu order area
Pharmacy, bank, or similar use	3 spaces per pickup window
Vehicle wash	16 spaces per automatic bay door

- 2. **Additional Spaces.** The Planning Commission may require additional stacking spaces beyond those required by this table based on the characteristics of the use and anticipated traffic volumes.
- 3. **Escape/Bypass Lane.** Where the drive-through waiting lane provides for a single lane for five (5) or more vehicles, an escape/bypass lane may be required by the Planning Commission to allow vehicles to exit the waiting lane.
- 4. **Size.** Stacking spaces shall be no less than 10 feet wide by 22 feet deep.

C. **SOUND**

Loudspeakers shall be modulated so that any generated sound is not audible beyond property boundaries.

SECTION 18.130 FARMING

A. **APPLICABILITY**

Farms and farm operations are regulated by the State of Michigan Department of Agriculture. Farms that are compliant with the State of Michigan Generally Accepted Agricultural and Management Practices (GAAMPs) are not subject to all other zoning requirements outside of this section and other referenced requirements, but only to the extent so exempted by state law.

B. **BUILDING SETBACKS**

Principal and accessory farm buildings are subject to non-residential building setback requirements for the applicable zoning district.

C. **PARKING**

See Section 20.40 for parking space and drive aisle dimensional requirements and Section 20.50 for the minimum number of parking spaces for farm markets (retail sales).

D. **DRIVEWAYS**

Driveways shall meet Kent County Road Commission requirements and shall comply with the requirements of Section 21.40.

SECTION 18.140 GOLF COURSE

A. **MINIMUM LOT AREA**

TABLE 18.110: GOLF COURSE MINIMUM AREA	
Size of Course	Minimum Acreage
Nine holes or less	15 acres
More than nine holes	30 acres

B. **BUILDING SETBACKS**

Buildings shall be set back at least 100 feet from adjacent residential-zoned property.

C. **PARKING SETBACKS**

Parking lots shall be set back at least 100 feet from adjacent residential-zoned property.

D. LAYOUT

Fairways, driving ranges, and practice areas shall be so designed and located as to reasonably prevent driven golf balls from flying, bouncing, or running upon public streets, private roads, or driveways, or upon adjacent properties.

SECTION 18.150 HOME OCCUPATION

A. OPERATION

A home occupation shall only be owned and operated by a full-time resident of the dwelling. Any full-time occupant of the principal dwelling may be employed by the home occupation.

B. PROHIBITED USES

The following uses are prohibited as home occupations:

1. Restaurants.
2. Vehicle repair.
3. Any other use that, in the opinion of the Zoning Administrator, would result in an adverse or disrupting effect on other properties or on the residential character of the neighborhood by way of noise, odor, vibration, dust, electronic interference, traffic, safety, or other attribute or emission.

C. AREA

A maximum of 25 percent of the gross floor area of a dwelling and accessory buildings may be devoted to minor home occupation business operations. Up to 25 percent of the floor area of the principal dwelling may be devoted to a minor home occupation.

D. LOCATION ON SITE

Home occupation operations must be conducted entirely within a principal dwelling, attached accessory building, detached accessory building, or combination of these buildings.

E. VISIBILITY

There shall be no physical evidence of the home occupation from other properties or the public right-of-way aside from parking and allowable customer visitation. Except for one (1) commercial vehicle, all other equipment, trailers, materials, and vehicles related to the business shall be stored indoors.

F. VISITATION

Visitation of the site by clients, customers, or students shall be by appointment only.

G. PARKING

Employees and visitors may park in the driveway if there is sufficient space to accommodate extra vehicles without a formal parking lot.

H. NON-RESIDENT EMPLOYEES

A maximum of one (1) person who is not a resident of the dwelling may work on-site or may pick up and return work vehicles during any one (1) day. Up to four (4) employees may be approved by the Planning Commission through the special land use process.

I. RETAIL SALES.

No merchandise or articles for sale shall be displayed on the premises.

J. VISITATION

No more than one (1) individual appointment shall be scheduled at any time unless group activities or classes are approved through the special land use process.

SECTION 18.160 INDUSTRIAL, INFRASTRUCTURE, AND TRANSPORTATION

A. OUTDOOR ACTIVITIES

Unless specifically authorized by this Ordinance, all activities other than parking, loading, and storage shall be conducted wholly within enclosed buildings.

B. ODOR, FUMES, DUST, GLARE, VIBRATION, OR HEAT

No permitted activity shall emit or produce odor, fumes, smoke, particulates, dust, glare, vibration, or heat that will adversely affect permitted uses on an adjacent property.

C. NOISE

No permitted activity shall emit noise that is readily discernible to the average person in any adjacent residential zoning district, providing that air handling equipment in proper working conditions shall be deemed to comply with this provision if located on a roof with intervening noise reduction baffles or if located on the side of a building facing away from the residential zone.

D. EFFLUENT

No permitted use shall discharge effluent of any kind onto or into the ground or in violation of sewage treatment regulations.

E. ELECTROMAGNETIC RADIATION

No permitted use shall emit electromagnetic radiation that would adversely affect the operation of equipment beyond the confines of the building, producing the effect.

F. HAZARDOUS MATERIAL MANAGEMENT PLAN

Any permitted activity that may present a danger of fire, explosion, or other catastrophe shall have a current Hazardous Material Management Plan, shall be reviewed and approved by the appropriate Fire Department and the Township Engineer, and shall not represent any danger to property or persons beyond the property lines.

G. OTHER REQUIREMENTS

All uses shall conform to all other Township, County, State, and Federal regulations pertaining to its operations.

SECTION 18.170 KEEPING OF ANIMALS AND BEES (NON-COMMERCIAL)

A. GENERAL REQUIREMENTS

1. **Setbacks.** Accessory buildings and shelters are subject to the requirements for accessory buildings in Section 18.20.
2. **Fencing.** Fences or enclosures are required to keep animals and chickens from leaving a property. Fences are subject to Section 17.40
3. **Manure and Waste.** Manure and waste storage areas shall be at least 100 feet from a dwelling, wellhead, pond, creek, or other water feature and 25 feet from a property line.

B. DOMESTIC ANIMALS

No more than four (4) dogs or four (4) cats, or a combination of four (4) dogs and cats, shall be kept on any lot not approved for animal and pet services.

C. FARM ANIMALS- HORSES AND LIVESTOCK

1. **Zoning Districts.** Keeping horses and livestock is permitted in the ARR and SR zoning districts.
2. **Minimum Acreage.** One (1) acre.
3. **Number.** No more than one (1) horse or livestock animal per whole acre is permitted.

D. CHICKENS AND FOWL

1. **Zoning Districts.** Keeping chickens and fowl is permitted in the ARR zoning district.
2. **Minimum Acreage.** One-half (1/2) acre.
3. **Maximum Number.**
 - a. On minimum acreage: 10.
 - b. On each additional whole acre over the minimum acreage: 10.
4. **Type.** Roosters and guinea fowl are not permitted on lots less than five (5) acres.
5. **Confinement.** Chickens on lots less than five (5) acres shall be confined in a fenced area. Fences are subject to Section 17.40.

E. BEEKEEPING

1. **Zoning Districts.** Beekeeping is permitted in the ARR and SR zoning districts.
2. **Minimum Size.** The minimum lot size to keep bees is one-half (1/2) acre.
3. **Setbacks.** Colonies must be set back 15 feet from all property lines.
4. **Water Source.** An adequate and constant source of water, as temperatures permit, shall be placed within 10 feet of bee colonies and placed before the establishment of the hive.

F. WILD ANIMALS

The keeping of wild animals outside of a State or Township-approved facility is prohibited.

SECTION 18.180 MANUFACTURED HOME COMMUNITY

The manufactured home community shall comply with all State of Michigan requirements, as applicable.

SECTION 18.190 MINERAL EXTRACTION

A. APPLICABILITY

The provisions of this section shall not apply to the following:

1. **Ponds.** Where the removal or extraction of natural resources is more than 500 feet from any street or property line, occupies not more than five (5) acres in area, does not constitute a weekly average intensity of use of more than 15 yards of material per day, and creates no area that fills with water other than a pond.
2. **Incidental On-Site Use.** The incidental excavation of sand and gravel for only on-site use is excluded from the regulations of this section, except for the setback and yard requirements.
3. **General Landscaping or Farming.** General landscaping activities or the cultivation of land for farming purposes.

B. PLAN CHECKLIST

The application shall include a plan and materials in accordance with this section and Chapter 26.

C. SETBACKS, BUFFERS, AND SEPARATION

1. **Setbacks.**
 - a. No excavation shall occur within 100 feet of a road right-of-way; within 200 feet of an off-site residence, housing development, or residential district, and within 100 feet of a property line other than the above limits.
 - b. The special land use permit may allow mineral extraction within the required setback area set forth above if a property owner or owners, abutting that portion of the site affected by the minimum setbacks provide written consent prior to the Planning Commission's recommendation of the site plan. However, in no case shall an excavation occur within 200 feet of an off-site residence or 100 feet of a property owned by a non-consenting party.
2. **Land within Setback Areas.** Areas within the setback are considered buffer zones that shall remain in a natural state, farmland, woodland, or planted with vegetation. The Township may require berms and/or other screening to reduce sound or vibration impact on neighboring properties when existing vegetation or topography is determined to be insufficient to mitigate impacts.
3. **Maintenance.** Planted vegetative buffers, when required, shall be continuously maintained, and noticeable gaps shall be replanted. Management or thinning is permitted to enhance overall growth if conducted under the guidance of a certified forester or other qualified professional.
4. **Markings.** Visible posts or markers shall be staked at the excavation limit setback lines every 50 feet during extraction in the active area to warn excavator operators of the limits of site disturbance.
5. **EGLE Setback.** No mining shall take place within the specified distance from the margin of any stream or waterway as established by the Michigan Department of Environment, Great Lakes, and Energy.

D. PROCESSING PLANTS AND STOCKPILE

1. **Setback.** Permanent and temporary processing plants and accessory structures shall not be closer than 200 feet from any property line, including the road right-of-way.
2. **Location.** When practicable, the permanent processing plant shall be located within the excavation area, at a point lower than the general level of the surrounding terrain to reduce the visual and noise impact of the plant structure.

E. OPERATIONAL PLAN

With the application for a special land use permit, an operational plan must be submitted for review by the Planning Commission and Township Board. At a minimum, the operation plan shall include the following information:

1. The areas to be mined and the proposed phases.
2. The location of permanent structures.
3. Locations for storage piles.
4. The points of access upon public streets.
5. Screening and reclamation plans.
6. Hours of operation.
7. Estimated type and quantity of mineral materials to be removed.
8. Description of extraction and processing methods.
9. Equipment to be placed on the site.
10. A summary of the procedures and practices that will be used to ensure compliance with the requirements of this section.

F. SECURITY AND SAFETY

1. **Signage.** Upon commencement of mining operations, the active mining area shall be enclosed by a fence that is no less than four (4) feet in height, and "No Trespassing" signs shall be placed along the fence at least every 100 feet. Fences shall be maintained in an upright position and in good repair.
2. **Gate.** A gate at the active mining area shall be locked when the mine is not in active operation.

G. NUISANCE AND IMPACT MITIGATION

1. **Noise and Vibration.** Noise and vibration shall not be made at a frequency or intensity so as to constitute a nuisance to the general health, safety, and welfare of the residents in the Township and shall be minimized in their effect on adjacent properties by the proper use of berms, walls, screen plantings, and fences.
2. **Air Pollution and Dust Control.** Air pollution in the form of dust and dirt shall be kept at a minimum. Regular dust control practices shall be implemented for general excavation, moving soils, screening, and crushing, and records of activities shall be kept on site. Upon a complaint-based inspection or regularly scheduled inspection, a Township code enforcement official shall inspect the site for unacceptable dust levels. Whether higher dust levels are due to environmental factors (dry season, wind, etc.) or management practices, upon notice, the operator shall proceed with an appropriate and effective dust control action, including but not limited to:

- a. As-needed watering of unpaved travel surfaces.
 - b. As-needed sweeping of internal roads.
 - c. Paving additional segments of the internal roadway or applying millings.
 - d. As-needed watering during the crushing operations.
 - e. A temporary pause of operations should excessive winds result in the ineffectiveness of all other dust control measures.
3. **Equipment Operation.** All equipment used for the mining operation shall be operated in such a manner as to minimize, to the maximum extent practicable, dust, noise, and vibration conditions that are injurious or substantially annoying to persons living in the vicinity.

H. INTERIOR ROADS

1. **Surface.** Interior road surfaces may be gravel, crushed stone, concrete, or asphalt millings. When paving is required, it shall be completed prior to the commencement of operations.
2. **Maintenance.** Internal roads shall be maintained to reduce potholes and ruts as reasonable.
3. **Signs.** Internal road signs shall be established, as required by the Township. Required signs may include, but are not limited to: No Engine Brake, Speed Limit, Slow, and Stop.
4. **Route.** Operations shall incorporate internal circulation routes that minimize the need for truck reverse movements.

I. HOURS AND DAYS OF OPERATION

The operation of mineral extraction and processing shall be restricted to the Township-approved hours and days of the week. No operations shall be conducted on Sundays or legal holidays, or at any time over the Memorial Day or Labor Day weekend, or the Independence Day weekend if July 4 falls on a Monday or Friday. The Planning Commission may further restrict hours, days, seasons, or months to minimize nuisance impacts on neighbors or to address public safety considerations regarding road use. In emergency, unanticipated, or unusual circumstances, the hours of operation may be modified for a temporary period not to exceed 14 days upon receipt of the Zoning Administrator's approval.

J. FINANCIAL GUARANTEE

1. **Guarantee.** The operator shall post a financial guarantee for restoration and stabilization determined by the Township. The Township may adjust the guarantee amount at the time of special land use permitting and on an annual basis.
2. **Type.** The guarantee shall be provided in one (1) of the following forms and approved by the Township:
 - a. Cash.
 - b. Certified check.
 - c. Irrevocable bank letter of credit.
 - d. Surety bond acceptable to the Township Board.
3. **Release.** Upon Township approval of the reclamation of mined acreage and reduction of net operational area, the bond or security may be released in accordance with the amount or security required per acre.

K. VERY SERIOUS CONSEQUENCES

1. **Additional Review and Inquiry.** In the event the Planning Commission determines that the application for a special land use permit for mineral extraction does not satisfy the standards in this section or those in Sections 26.40 and 27.40, the Planning Commission shall conduct an additional inquiry to determine whether a special land use permit must nevertheless be granted in order to comply with Section 205 of the Zoning Enabling Act, MCL 125.3205. In conducting this inquiry, the burden is on the applicant to show that there are valuable natural resources located on the subject property, that there is a need for the natural resources by the applicant or in the market served by the applicant, and that no very serious consequences would result from the extraction, by mining, of the natural resources. To determine whether very serious consequences would result from the proposed mining activity, the Planning Commission shall consider:
 - a. The relationship of extraction and associated activities with existing land uses.
 - b. The impact on existing land uses in the vicinity of the property.
 - c. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
 - d. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
 - e. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
 - f. The overall public interest in the extraction of the specific natural resources on the property.
2. **Approval and Conditions.** If the Planning Commission determines that the applicant has satisfied its burden with respect to these issues, it shall grant the requested special land use permit on reasonable conditions, notwithstanding any other provision of this Ordinance.

SECTION 18.200 OUTDOOR DISPLAY AND SALES

A. SITE PLAN REQUIREMENT

All outdoor display and sales areas shall be indicated on a site plan.

B. SETBACK

Outdoor display and sales areas shall comply with setbacks applicable to principal buildings.

C. MAXIMUM DISPLAY AND SALE AREA

1. **Maximum.** Accessory outdoor display and sales areas as part of a general retail establishment are limited to 20 percent of the principal building's square footage. The Planning Commission may consider requests for display areas beyond this amount through the special land use review process.
2. **Exemption.** For businesses where the primary sales area is outdoors, such as landscaping supply, construction supply, nurseries, and similar uses, there is no maximum sales area as long as all other zoning requirements are met.

D. SALES AND DISPLAY AREA SURFACE

1. **Requirement.** Outdoor display and sales areas shall be surfaced with asphalt or concrete unless an alternative surface is approved by the Planning Commission.
2. **Review.** The Planning Commission shall consider the following factors when reviewing alternative surface

requests on a case-by-case basis:

- a. The character of the area and surfaces on adjacent properties.
 - b. The potential for dust generation and its impact on neighboring properties.
 - c. The ability to ensure long-term maintenance and passability.
 - d. The capability of the surface to handle stormwater runoff and its resistance to erosion.
 - e. The anticipated type and weight of vehicles and equipment to be parked or stored on the site.
 - f. Emergency service vehicle access.
3. **Requirements.** If approved by the Planning Commission, gravel and crushed stone surfaces are subject to the following requirements:
- a. Shall be properly drained in accordance with township stormwater requirements.
 - b. Dust generation shall be minimized.
 - c. The surface will be maintained and free of weeds, grass, and overgrown vegetation at all times.

SECTION 18.210 OUTDOOR STORAGE

A. SETBACKS

Outdoor storage shall comply with setbacks applicable to principal buildings.

B. SCREENING

Outdoor storage areas shall be screened from view from the public right-of-way and from residential-zoned properties. See Section 23.70 for screening requirements.

C. HAZARDOUS MATERIALS

All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within a building, and secondary containment measures shall be employed to prevent ground contact with any spilled materials.

D. STORAGE AREA SURFACE

1. **Surface.** Outdoor storage areas shall be surfaced with asphalt or concrete unless an alternative surface is approved by the Planning Commission.
2. **Review.** The Planning Commission shall consider the following factors when reviewing alternative surface requests on a case-by-case basis:
 - a. The character of the area and surfaces on adjacent properties.
 - b. The potential for dust generation and its impact on neighboring properties.
 - c. The ability to ensure long-term maintenance and passability.
 - d. The capability of the surface to handle stormwater runoff and its resistance to erosion.
 - e. The anticipated type and weight of vehicles and equipment to be parked or stored on the site.
 - f. Emergency service vehicle access.
3. **Requirements.** If approved by the Planning Commission, gravel and crushed stone surfaces are subject to

the following requirements:

- a. Shall be properly drained in accordance with township stormwater requirements.
- b. Dust generation shall be minimized.
- c. The surface will be maintained and free of weeds, grass, and overgrown vegetation at all times.

SECTION 18.220 PLACES OF ASSEMBLY

All places of assembly, including places of worship, private K-12 schools, colleges, and universities in residential zoning districts, must be located on lots that directly abut or have direct access to a paved county primary road.

SECTION 18.230 PROBATION, PAROLE, OR SEX OFFENDER HOME

A. SEPARATION

A probation, parole, or sex offender home shall be at least 1,000 feet from an adult foster care family home; adult foster care group home; substance abuse rehabilitation home; school; and other probation, parole, or sex offender homes.

B. STATE APPROVALS AND REGULATIONS

- 1. All licensing and permitting shall be obtained from the State of Michigan.
- 2. All rules and regulations from the State of Michigan shall be followed.

SECTION 18.240 RECREATION, LOW-INTENSITY OUTDOOR

A. MINIMUM LOT AREA

A minimum of five (5) acres is required to establish the use.

B. BUILDING SETBACKS

Buildings shall be set back at least 100 feet from adjacent residential-zoned property.

C. PARKING SETBACKS

Parking lots shall be set back at least 100 feet from adjacent residential-zoned property.

D. NOISE

Outdoor electrified sound amplification is prohibited.

E. LIGHTING

Light levels shall not be detectable along lot lines on a photometric plan (0.0 foot-candles).

F. HOURS OF OPERATION

Hours of operation are limited to dawn to dusk unless otherwise extended through special land use review.

SECTION 18.250 SALVAGE OR IMPOUND OPERATION

A. STORAGE AREA SETBACKS

Salvage and inoperable vehicle storage areas shall be set back at least 100 feet from adjacent residential-zoned property.

B. SCREENING

Salvage storage and vehicle storage areas shall be screened from view from the public right-of-way and from residential-zoned properties. See Section 23.70 for screening requirements.

C. HAZARDOUS MATERIALS

All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within a building, and secondary containment measures shall be employed to prevent ground contact with any spilled materials.

D. STORAGE AREA SURFACE

See Section 18.210 D.

SECTION 18.260 SELF-STORAGE

A. OUTDOOR STORAGE AREA SETBACKS

1. **Setbacks.** Outdoor display and sales areas shall comply with setbacks applicable to principal buildings.
2. **Site Plan.** Areas provided for outdoor storage of automobiles, boats, recreational vehicles, trailers, and similar personal property shall be designated on the site plan.

B. SCREENING

Outdoor storage areas shall be screened from view from the public right-of-way and from residential-zoned properties. See Section 23.70 for screening requirements.

C. USE RESTRICTION

Use of any storage unit for the conduct of manufacturing, repair, service, sales, fabrication, assembly, or any other business purpose other than the storage of goods or merchandise is prohibited. Recreational vehicles are prohibited from being used for living or habitation purposes and for temporary stays.

D. OWNERSHIP

The entire facility shall be owned by one (1) entity and shall not be divided or converted to condominium ownership.

E. OUTDOOR STORAGE AREA SURFACE

See Section 18.200 C.

SECTION 18.270 SOLAR ENERGY

A. SOLAR ENERGY, ACCESSORY GROUND-MOUNTED

1. **Applications and Review.** Accessory ground-mounted solar energy systems shall be approved administratively by the Zoning Administrator and the Building Official.
2. **Small-Scale Systems.** This section does not apply to rooftop solar panels or smaller-scale solar energy collectors mounted on fences, poles, or on the ground with collector surface areas less than five (5) square feet and less than six (6) feet above the ground.
3. **Requirements.**
 - a. **Glare and Reflection.** The exterior surfaces of solar energy collectors shall be substantially non-reflective of light. A system shall not be installed or located in a manner that directs glare onto neighboring dwellings or adjacent streets.
 - b. **Location.** Systems shall be placed in rear yards unless existing vegetation and other site constraints make rear yard placement unfeasible. The Zoning Administrator shall refer side and front yard placement requests to the Planning Commission in cases where there is a higher likelihood of visual impact to nearby residents.
 - c. **Installation.** Systems shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy shall be submitted to the Township before installation.
 - d. **Wires.** All wires shall be buried underground. Overhead wires are prohibited.
 - e. **Setbacks.** Accessory ground-mounted solar energy systems shall be subject to the setbacks required for principal buildings. Measurement shall be taken from the outermost edge of the support structure or solar panel, whichever is closer to the property line, to the applicable property line.
 - f. **Maximum Number.** One (1) accessory non-commercial ground-mounted solar energy system and its associated support structure are permitted per lot. However, in the case of a uniquely shaped lot or extraordinary conditions of the land, a single system with multiple structures and panels may be approved as long as the structures are clustered in close proximity.
 - g. **Maximum Size.** Systems shall be designed and sized to produce no more than 125 percent of the annual kWh usage or 1,500 square feet, whichever is less. Proposed system power generation specifications and historical annual usage data shall be provided by the applicant for review. Systems exceeding these limits may be considered by the Planning Commission through the special land use process.
 - h. **Maximum Height.** The maximum height of a system at its highest point, or at full tilt, shall be 16 feet. Height is measured from the natural grade below the system to the highest point of the panels or any part of the support structure, whichever is greater.
 - i. **Abandonment.** Systems that cease to produce energy continuously for 12 months will be considered abandoned unless the landowner provides a plan to reinstate the operation of the system within six (6) months. If the system remains non-functional after six (6) months, it shall be determined as abandoned.
 - j. **Removal.** The landowner shall remove the support structure, panels, and all equipment and restore the site to its condition prior to installation of the system within one (1) year of abandonment.

B. COMMERCIAL SOLAR ENERGY SYSTEMS

1. General Requirements.

- a. Applications and Review. In addition to all other required application contents, equipment, and unit renderings or plans shall be submitted for review. Multiple participating commercial solar energy lots operating as one commercial solar energy system may be requested under a single special land use permit application.
- b. Principal or Accessory Use. Commercial solar energy systems may be established as principal or accessory uses.
- c. Glare and Reflection. The exterior surfaces of solar energy collectors shall be substantially non-reflective of light. A system shall not be installed or located in a manner that directs considerable glare onto neighboring dwellings or adjacent streets. The applicant shall provide a glare analysis to demonstrate compliance with this standard.
- d. Maximum Height. The maximum height of a system at its highest point, or at full tilt, shall be 20 feet. Height is measured from the natural grade below the system to the highest point of the panels or any part of the support structure, whichever is greater.
- e. Screening. Views of collectors and equipment from residential properties or public right-of-way may be required to be screened. Screening methods may include the use of fences, screening walls, landscaping, or preservation of existing vegetation that will blend the facility into the natural setting and existing environment. Screening shall be consistent with a buffer type B per Section 23.60.

2. Requirements for Commercial Solar Energy Systems Over Parking Lots.

- a. Purpose. Solar energy arrays may be situated throughout commercial parking lots so as to serve as carports or shelter parking.
- b. Clear Height. Clear height under arrays and support systems shall be at least 10 feet.
- c. Access. Solar arrays and their associated support structures shall not impede on drive aisles and driveways.
- d. Landscaping Waiver. Parking lot canopy trees required by Section 23.80 are waived for the spaces covered by arrays.
- e. Setbacks. Setbacks for solar energy systems and equipment shall be the same as required for principal buildings within the applicable zoning district.

3. Requirements for Commercial Solar Energy Systems Not Over Parking Lots.

- a. Minimum Setbacks. Commercial solar energy systems and all equipment, aside from wires, shall be set back a minimum of 200 feet from non-participating property lines and public right-of-way. Commercial solar energy systems shall not be subject to property line setbacks between participating commercial solar energy lots.
- b. Waiver. Setbacks may be reduced to 100 feet from non-participating lots, and maximum lot coverage requirements are waived for lots remaining in agricultural production throughout and within the solar collectors.

4. Abandonment, Removal, and Decommissioning.

- a. Abandonment. Systems that cease to produce energy continuously for 12 months will be considered abandoned by the Township unless the responsible party provides a plan to reinstate the operation before the end of the 12-month period. If a plan is provided, a 12-month extension for reinstatement

may be granted by the Township Board.

- b. Removal. The responsible party shall remove all equipment and structures and restore the site to its condition prior to the installation of the system within one (1) year of abandonment.
- c. Decommissioning. A decommissioning plan signed by the responsible party and the property owner (if different), addressing the following, shall be submitted prior to approval:
 - i. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, abandonment, etc.).
 - ii. Removal of all non-utility-owned equipment, conduit, structures, fencing, roads, solar panels, and foundations.
 - iii. Restoration of property to its original condition or a condition that is stabilized and graded to be consistent with the character of the area.
 - iv. The timeframe for completion of decommissioning activities.
 - v. Description of any agreement (e.g. lease) with the property owner regarding decommissioning, if applicable.
 - vi. The entity or individual responsible for decommissioning.
 - vii. The financial plan for decommissioning activities and site restoration.
 - viii. Protocol for updating the decommissioning plan.
- d. Form. A performance guarantee shall be required to be posted in the form of a bond, letter of credit, cash, or another form acceptable to the Township to ensure removal upon abandonment. As a part of the decommissioning plan, the responsible party shall provide at least two (2) cost estimates from qualified contractors for the full removal of the equipment, foundations, and structures associated with the facility. These amounts will assist the township when setting the performance guarantee amount. The performance guarantee shall be valid throughout the lifetime of the facility. Bonds and letters of credit shall be extended on a regular basis with expiration dates never less than two (2) years from the annual anniversary of special land use approval.
- e. Recording. The property owner and responsible party shall record the decommissioning plan with the Kent County Register of Deeds.

SECTION 18.280 STABLES, COMMERCIAL

A. MINIMUM LOT AREA

A minimum of 10 acres is required to establish the use.

B. BUILDING SETBACKS

Buildings shall be set back at least 50 feet from adjacent residential-zoned property.

C. PARKING SETBACKS

Parking lots shall be set back at least 50 feet from adjacent residential-zoned property.

D. LIGHTING

Light levels shall not be detectable along lot lines on a photometric plan (0.0 foot-candles).

SECTION 18.290 SUBSTANCE ABUSE REHABILITATION HOME

A. SEPARATION

A substance abuse rehabilitation home shall be at least 1,000 feet from an adult foster care family home; adult foster care group home; probation, parole, or sex offender home; school; and other substance abuse rehabilitation homes.

B. STATE APPROVALS AND REGULATIONS

1. All licensing and permitting shall be obtained from the State of Michigan.
2. All rules and regulations from the State of Michigan shall be followed.

SECTION 18.300 TEMPORARY USES

A. PERMITTING

The Township may require that the landowners enter into a written agreement with the Township as a prerequisite for a temporary use approval.

B. TEMPORARY CONSTRUCTION OFFICE AND YARD

A temporary office building or yard for construction materials and/or equipment is permitted in any zone without a permit for such period of time as it is both incidental and necessary to construction at the site. A temporary office may include but is not limited to a mobile office or shipping container office.

C. TEMPORARY DWELLING

A recreational vehicle may be used as a temporary dwelling during the construction of a new dwelling if certain requirements are met. The Zoning Administrator may approve such a use for a period not to exceed 12 months, and the Planning Commission may approve such use for an additional period not to exceed six (6) months, provided that all of the following conditions are met:

1. **Permit for Principal Dwelling.** A building permit has been issued for the construction of a permanent single-family dwelling on the same lot that conforms to the requirements of this Ordinance.
2. **Utilities.** The recreational vehicle must be properly connected to water and sanitary facilities approved by the County Health Department.
3. **Removal.** The recreational vehicle must be removed within 30 days of the date of issuance of occupancy permit for the permanent dwelling unless stored in accordance with Section 17.80.
4. **Performance Guarantee.** The Township may require sufficient monetary security in the form of a cash deposit, bond, letter of credit, or other monetary security to ensure that the recreational vehicle is removed by the required date.

D. TEMPORARY GARAGE OR YARD SALE

Yard and garage sales are permitted for durations of four (4) days, no more than four (4) times a calendar year.

E. TEMPORARY MOBILE FOOD UNIT

1. **Location.** Mobile food units may be permitted in the mixed-use and commercial zoning districts, industrial zoning districts, or the ARR zoning district as part of a lawful farm market operation.
2. **Visibility.** Mobile food units shall not obscure traffic sight visibility or operate in driveways or fire lanes.
3. **Parking.** Mobile food units may operate in parking spaces if the required parking for the property remains in compliance with the parking requirements of this Ordinance.
4. **Drive-Through.** Mobile food units shall not provide a drive-through service of any kind.
5. **Setbacks.** Mobile food unit parking shall be set back at least 20 feet from public right-of-way, 50 feet from residential lot lines, and 10 feet from non-residential lot lines.
6. **Licensing.** Licenses shall be secured from the Kent County Health Department and the Township (if applicable).

F. TEMPORARY OUTDOOR SEASONAL PARKING LOT SALES

1. **Application Requirements.** Applications shall include a site plan illustrating structures, tents, off-street parking, and lighting.
2. **Timeframe.** Sales and events shall be permitted no more than twice during a calendar year for a maximum of 30 days total per lot.
3. **Clear Vision Area.** The sales area shall not extend into the clear vision area at any street intersection.
4. **Setbacks.** The sales area shall not be located within a required setback area for principal buildings.
5. **Parking.** No more than 20 percent of the available parking spaces may be utilized for temporary use.
6. **Structures.** All temporary structures shall be erected in a safe manner in accordance with any applicable Building Codes, ordinances, and standards.

G. TEMPORARY SALES OFFICE

A temporary office is permitted in any zone without a permit for such period of time as it is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project.

H. TEMPORARY SIDEWALK OR OUTDOOR SALES

1. **Applicability.** Temporary outdoor sales areas are permitted on lots where the principal use involves retail sales.
2. **Site Plan.** The temporary sales area shall be indicated on the site plan for the principal use.
3. **Pedestrian Travel Areas.** Any sales area located on a sidewalk or pathway shall ensure a minimum clear area of five (5) feet for pedestrian travel.
4. **Clear Vision Area.** The sales area shall not extend into the clear vision area at any street intersection.
5. **Setbacks.** The sales area shall not be located within a required setback area for principal buildings.

I. TEMPORARY STORAGE UNIT

Temporary Storage Units (TSUs) are permitted in residential districts subject to all of the following requirements and regulations:

1. **Maximum Number.** No more than one (1) TSU may be located outdoors on a lot at a time.
2. **Maximum Timeframe and Interval.** One (1) TSU may be kept outdoors on a lot for up to 15 days, twice a year, with a minimum of 30 days per lot between each placement of a TSU. Apart from such allowed TSU usage, no other TSU shall be placed or located outdoors on a lot.
3. **Maximum Size and Height.**
 - a. Size: 200 square feet.
 - b. Height: eight (8) feet.
4. **Minimum Setbacks.**
 - a. Front: 20 feet.
 - b. Side and Rear: five (5) feet.
5. **General Restrictions.**
 - a. Maintenance. A temporary storage unit shall at all times be maintained in good condition, free from evidence of deterioration, graffiti, rust, ripping, tearing, holes, or breaks.
 - b. Use. No temporary storage unit shall be used for human occupancy or to store solid waste, construction debris, demolition debris, business inventory, commercial goods, goods for property other than the property where the temporary storage unit is located, or any illegal or hazardous material. Upon reasonable notice, the Township may inspect the contents of a temporary storage unit at any reasonable time to confirm compliance with this standard.
 - c. Removal. A temporary storage unit that is not removed at the end of the time for which it may lawfully remain in place may be removed by the Township without notice, and the cost of such removal shall be assessed to the property owner.

SECTION 18.310 TRUCK STOP

A. MINIMUM LOT AREA

A minimum of five (5) acres is required to establish the use.

B. PUBLIC SEWER AND WATER

Public sewer and water must serve the site.

C. ACCESS AND CIRCULATION

All fueling pumps shall be arranged to prevent queued or parked vehicles waiting to be serviced from encroaching upon a sidewalk, street, intersection, or public right-of-way. On-site circulation for commercial vehicles and passenger vehicles must be adequately separated to minimize vehicle and pedestrian conflicts and to maximize safety.

D. VEHICLE REPAIR

Repair work shall be limited to minor vehicle repair unless major vehicle repair is approved for the site.

E. SURFACE

All areas designated for vehicles shall be concrete or asphalt. Notwithstanding any other allowance in this Ordinance, alternative surfaces are not permitted.

F. COMMERCIAL VEHICLE PARKING

Areas devoted to the parking of commercial vehicles shall be located behind the front line of the principal building. Parking spaces shall be marked, and the parking area shall be provided with adequate trash containers and shall be kept free of litter and debris.

G. IDLING OR REVING

Unless required to maintain the temperature or pressure of perishable or volatile cargo, the extended running in excess of five (5) minutes, idling, or revving of the commercial vehicle engines or auxiliary engines and compressors in the commercial vehicle parking area is prohibited.

H. HAZARDOUS MATERIALS

All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within a building, and secondary containment measures shall be employed to prevent ground contact of any spilled materials.

I. VEHICLE SERVICE STATION REQUIREMENTS

All requirements of Section 18.330 shall also be satisfied.

SECTION 18.320 VEHICLE REPAIR

A. OVERHEAD DOORS

1. **Direction.** Overhead doors shall not face residential-zoned property.
2. **Modification.** The Planning Commission may modify this requirement upon a determination that there is no reasonable alternative and the visual impact will be diminished through the use of building materials, architectural features, and landscaping.

B. OUTDOOR DISPLAY AND SALES STORAGE

See Section 18.200.

C. HAZARDOUS MATERIALS

All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within a building, and secondary containment measures shall be employed to prevent ground contact with any spilled materials.

D. PARKING

Parking of operable vehicles awaiting service or pickup shall comply with the requirements of Chapter 20.

E. REQUIREMENTS FOR MINOR VEHICLE REPAIR

All maintenance and repair work shall be conducted completely within an enclosed building unless the work can be completed in one (1) business day for no more than three (3) vehicles at any time.

F. REQUIREMENTS FOR MAJOR VEHICLE REPAIR

1. **Setback.** Buildings shall be at least 100 feet from residential-zoned properties.
2. **Screening and Indoor Work.**
 - a. Inoperable vehicles shall be placed in an area that is screened from view from the public right-of-way and from residential-zoned properties. See Section 23.70 for screening requirements.
 - b. All maintenance and repair work shall be conducted completely within an enclosed building unless the service area is screened from view. See Section 23.70 for screening requirements.

SECTION 18.330 VEHICLE SERVICE STATION

A. ACCESS AND CIRCULATION

All fueling pumps shall be arranged to prevent queued or parked vehicles waiting to be serviced from encroaching upon a sidewalk, street, intersection, or public right-of-way.

B. SURFACE

All areas designated for vehicles shall be concrete or asphalt. Notwithstanding any other allowance in this Ordinance, alternative surfaces are not permitted.

C. CANOPY

A permanent canopy that is open on all sides shall be located over all fuel pump islands. Canopies shall meet setback requirements for principal buildings.

D. HAZARDOUS MATERIALS

All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within a building, and secondary containment measures shall be employed to prevent ground contact with any spilled materials.

E. VEHICLE REPAIR

If vehicle repair services are allowable in the zoning district, see Section 18.320.

F. OUTDOOR DISPLAY AND SALES STORAGE

See Section 18.200.

SECTION 18.340 VEHICLE WASH

A. BUILDING SETBACKS

Buildings and outdoor vacuum stations shall be set back at least 100 feet from adjacent residential-zoned property.

B. INDOOR WASHING

All washing activities must occur inside a building.

C. OVERHEAD DOORS

1. **Direction.** Overhead doors shall not face residential-zoned property.
2. **Modification.** The Planning Commission may modify this requirement upon a determination that there is no reasonable alternative and the visual impact will be diminished through use of building materials, architectural features, and landscaping.

D. ACCESS AND CIRCULATION

Site access and circulation shall be designed to minimize traffic conflicts, congestion, and disruption and enhance traffic safety on abutting public and private streets and drives. Access and drive aisles shall be arranged to prevent queued or parked vehicles from encroaching upon a sidewalk, street, intersection, or public right-of-way.

E. BYPASS LANE

For automated drive-through wash facilities, a bypass lane is required that allows bypassing waiting vehicles.

F. DRIVE-THROUGH SERVICE

See Section 18.120.

SECTION 18.350 WIND ENERGY

A. LARGE-SCALE SYSTEMS

Large-scale wind energy facilities with a nameplate capacity of 100 megawatts or more are permitted in accordance with the State of Michigan Act No. 233, Public Acts of 2023.

B. ACCESSORY WIND TURBINES

1. **Number.** There shall be no more than one (1) accessory wind turbine located on a building or one (1) freestanding accessory wind turbine per lot.
2. **Height.** Building-mounted and freestanding turbines shall not exceed 50 feet in height.
3. **Setbacks.** Freestanding turbines shall be set back at least 50 feet from adjacent property.
4. **Noise.**
 - a. No turbine located on residential-zoned property shall produce more than 50 decibels of noise at the lot line located closest to the turbine.
 - b. No turbine located on non-residential-zoned property shall produce more than 60 decibels of noise at the lot line closest to the Turbine.
5. **Exemptions.** The above noise restrictions may be exceeded only during short-term events such as utility outages and/or severe windstorms.

SECTION 18.360 WIRELESS COMMUNICATIONS FACILITY

A. PURPOSE

It is the general purpose and intent of this Section to comply with the requirements of the Federal Telecommunications Act of 1996, as amended, and to exercise the Township's zoning powers under state law, by authorizing towers and antennas needed to operate wireless communications systems, subject to certain conditions and requirements. It is the further purpose and intent of this Section to provide for such authorization in a manner that will retain the integrity of neighborhoods and the character, property values, and overall quality of life of the township.

B. APPLICABILITY

All new, expanded, or altered wireless communication facilities in the Township shall be subject to this Section. There will be additional costs (which will be charged to the applicant) for professional review of the application and related matters, including by an independent consultant or consultants.

1. **New Towers.** All new wireless towers shall require a Special Use Permit in accordance with the requirements of Chapter 27 and this Chapter.
2. **Michigan Zoning Enabling Act Exemption.** Wireless communications facilities are a permitted use of property and are not subject to zoning approval if all the following criteria are met:
 - a. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
 - b. The existing wireless communications support structure or existing equipment compound is in compliance with this Ordinance or was approved by the Township.
 - c. The proposed collocation will not do any of the following:
 - i. Increase the overall height of the wireless communications support structure by more than 20 feet or 10 percent of its original height, whichever is greater.
 - ii. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - iii. Increase the area of the existing equipment compound to greater than 2,500 square feet.
 - d. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Township.

C. GENERAL SUBMITTAL REQUIREMENTS

All applications for all wireless communication facility requests shall include the following:

1. **Application.** A fully completed, signed, and dated application, indicating the property owner, service provider, and the provider's ownership or lease interest in the property, building, or structure upon which facilities are proposed for placement, construction, or modification.
2. **Site Plan.** A detailed site plan showing the following:
 - a. The location, size, height, design, and setbacks of the tower, and the number, size, mounting height, and design of antennas.
 - b. The location, size, design, and setbacks of any accessory structures, fences, and outdoor equipment.
 - c. The location of all structures within 200 feet of the subject site.

- d. A landscape plan, showing the location, number, and species of plants.
 - e. The location of any drives and/or access easements.
 - f. Legal description of the lot.
 - g. Other information required for site plans under Chapter 26.
3. **Fees.** All applicable fees (including zoning escrow fees where applicable).

D. NEW TOWER SUBMITTAL REQUIREMENTS

Applications for new cell towers shall require the following additional information:

1. **Statement of Need.** A statement of what is proposed and demonstrating the need for the proposed facility based upon the presence of one or more of the following factors:
 - a. Inability to find a suitable colocation site.
 - b. Proximity to an interstate highway or major thoroughfare.
 - c. Areas of population concentration.
 - d. Concentration of commercial, industrial and/or other business centers.
 - e. Areas where signal interference has occurred due to buildings, masses of trees, or other obstructions.
 - f. Topography of the proposed facility location in relation to other facilities within the area where the proposed facility is to operate.
 - g. The need for additional coverage, capacity and/or quality.
 - h. Other specifically identified reason(s) for creating the need for the facility.
2. **Facilities Map.** A map showing existing and known proposed wireless towers, and existing buildings and/or other structures of the same approximate height within a one-half (1/2) mile radius of the proposed site, including sites outside of the Township, which are relevant in terms of potential colocation or in demonstrating the need for the proposed facility. This information will be used in determining the necessity of a new tower.
3. **Supplemental Information.** The following information shall also be submitted:
 - a. Technology. The existing form of technology being used and any changes to that technology
 - b. ERP. The proposed and existing service area of the tower and the attached wireless communication facility, tower height and type, and signal power expressed in Effective Radiated Power (ERP), upon which the service area has been planned.
 - c. Fall Zone. A certification by a state of Michigan licensed and registered professional engineer regarding the manner in which the proposed tower will fall. The certification will be utilized in determining appropriate setbacks to be required for the tower.
 - d. Other Agencies. If required, evidence of applicable approvals and licenses from the Federal Aviation Administration, the Federal Communications Commission, and the Michigan Aeronautics Commission.

- e. **Maintenance.** A maintenance plan to ensure the long-term, continuous maintenance of the facility, along with the name, address, and telephone number of the person to contact for engineering, maintenance, and other notice purposes. This information must be continuously updated and provided to the Township at all times the facility is on the premises.

E. REQUIREMENTS AND STANDARDS OF REVIEW

All new wireless communications facilities shall comply with all of the following requirements in addition to special land use standards of approval in Section 27.40:

1. **General.** The proposed tower or antennae shall not be injurious to the neighborhood or otherwise detrimental to public safety and welfare. The proposed tower shall be located and designed to be harmonious with the surrounding areas, and to be aesthetically and architecturally compatible with the natural environment, as well as the environment as altered by development.
2. **Need.** A proposal for a new tower shall not be approved until and unless it can be documented by the applicant that the communications equipment planned for the proposed tower cannot be feasibly collocated and accommodated on an existing or approved tower (or other existing structure) due to one or more of the following reasons, as documented by a qualified and licensed professional engineer:
 - a. The planned equipment would exceed the structural capacity of the existing tower and could not be reinforced, modified, or replaced to accommodate planned or equivalent equipment.
 - b. The planned equipment would cause interference, materially impacting the usability of other existing or planned equipment at the existing tower or other existing structure, and the interference cannot be prevented by any other means.
 - c. Existing towers within a ½ mile radius cannot accommodate the planned equipment at a height necessary for the coverage area, and the capacity needs to reasonably function.
 - d. Refusal of the existing provider to permit a feasible collocation.
 - e. Other unforeseen reasons that make it unfeasible to locate the planned communications equipment on an existing tower or structure.
3. **Colocation.** Any proposed commercial tower shall be designed to accommodate at least four (4) antennae platforms unless shown to be unreasonable given the tower height and type. Proposed towers must be designed to allow for future rearrangement of attached wireless communication facilities upon the tower and to accept attached wireless communication facilities mounted at varying heights.
4. **Height.** The height of all proposed towers and attached antennae shall be the minimum height necessary to serve its intended function, provided that no tower shall be higher/taller than 195 feet (measured at natural grade) so that the structure does not require lighting per FAA/FCC Regulations. The accessory structures (not on the tower) shall be limited to the maximum height for accessory structures within the respective district.
5. **Setbacks.** Setbacks for wireless communications facilities shall conform to the following:
 - a. **Monopole Towers.** Monopole tower setbacks shall not be less than the required setbacks for principal buildings in the zoning district in which it is located.
 - b. **Other Towers.** The setback of all non-monopole towers from any lot line shall be no less than the height of the tower.
 - c. **Accessory Structures (Not on the Tower).** Accessory structures setbacks shall conform to the minimum setbacks for accessory structures for that zoning district.

- d. **Alteration of Setbacks.** For good cause shown, the Planning Commission may alter the required setbacks, based on tower height, tower fall zone, and the proximity of any structures or public rights-of-way.
- 6. **Access.** There shall be unobstructed access to the tower and accessory structures for maintenance, repair, inspection, and emergency purposes, which may be provided through an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic circulation within the site; utilities needed to service the wireless communication support structure and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbances to the natural landscape; and the type of equipment which will need to access the site.
- 7. **Use of Existing Building.** Where a wireless communication facility is proposed on the roof of a building, it shall be designed, constructed, and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building, provided that it conforms to all district requirements for accessory buildings.
- 8. **Visual Impact.** The Planning Commission shall, with respect to the color of the proposed tower and all accessory buildings, review and approve such items so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings.
- 9. **Radio Frequency.** Wireless communication facilities shall comply with all applicable federal and state standards, including, without limitation, those standards relative to the environmental effects of radio frequency emissions.
- 10. **Landscaping.** Landscaping shall be provided which screens the tower base, accessory buildings, and enclosures. In all cases, there shall be fencing of at least six (6) feet in height surrounding the accessory buildings and equipment enclosures.

F. COLOCATION REFUSAL

If a provider refuses to permit a feasible colocation on a tower owned or otherwise controlled by it, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent, and purpose of the Township. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Township.

- 1. **Nonconforming.** If a party that owns or otherwise controls an existing tower fails or refuses to accommodate a proposed and otherwise feasible colocation, such tower shall be deemed to be a nonconforming structure and use, and shall not be altered, expanded, or extended in any respect.
- 2. **Penalty.** A party that fails or refuses to allow a feasible colocation shall be prohibited from receiving approval for a new tower within the Township for a period of five (5) years from the date of the failure or refusal to permit the colocation. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication service.

G. FACILITIES REMOVAL

If, for any reason, a tower ceases operations or is abandoned, the Township may order its removal as well as the removal of any related structures. The owner of the tower and/or property owner will have six (6) months to remove the tower upon receiving notification from the Township to do so. If the tower is not removed within the specified time period, and a time extension is not granted by the Township, the Township may

cause the removal of the tower. After the removal of the tower by the Township, a notice shall be mailed to the tower owner and the property owner stating the nature of the work done and demanding payment of the costs as certified by the Building Inspector, together with an additional 20 percent for inspection and incidental costs. If the amount specified in the notice is not paid within 90 days, it shall become a lien against the property and will be certified as an assessment against the property.